

**ANDY**

**HARRIS**

★ **U.S. CONGRESS** ★

FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

2009 FEB 18 A 9 57

February 4, 2009

Federal Election Commission  
Office of General Counsel  
999 E Street, N.W.  
Washington, D.C. 20463

AOR 2009-05

Re: Request for Advisory Opinion

Dear Commissioners:

On behalf of Andy Harris for Congress (FEC ID # C00435974), I respectfully request an advisory opinion from the Federal Election Commission ("FEC") pursuant to 2 U.S.C. § 437f of the Federal Election Campaign Act of 1971 ("FECA"), as amended. I seek guidance as to how the Harris for Congress campaign may dispose of excess funds used to pay recount and election contest expenses resulting from the November 4, 2008 Federal election ("recount funds").

#### FACTUAL BACKGROUND

Andy Harris was a general election candidate in 2008 in Maryland's First Congressional District. After the votes were counted on election night, only a few hundred votes separated Mr. Harris and his opponent. In response, the Harris for Congress campaign raised \$12,300 in recount funds from 3 contributors. Two of the contributors were Federal political action committees which each contributed \$5,000. The third contributor was an individual who contributed \$2,300. At the present time, the Harris for Congress campaign has a recount fund balance of \$3,221.77, and no further expected expenditures.

#### PROPOSED PLANS FOR DISPOSITION OF EXCESS RECOUNT FUNDS

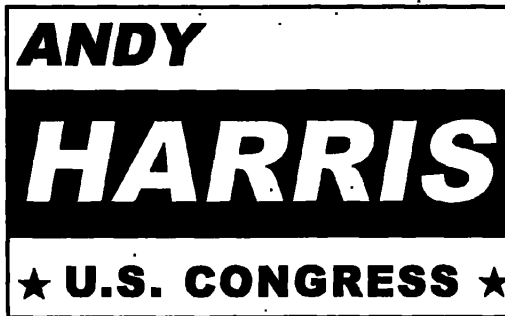
The disposition of excess recount funds is not addressed in applicable law, regulation, or previous FEC advisory opinions. This was recognized in Advisory Opinion 2006-24 at page 11. In response, the Harris for Congress campaign proposes to dispose of its excess recount funds by returning \$2,300 to the individual contributor and returning the remaining \$460.89 and \$460.88 to the PACs.

#### QUESTIONS PRESENTED

1. May the Harris for Congress campaign dispose of excess recount funds in the manner described above?

Andy Harris for Congress ★ P.O. Box 1527 ★ Annapolis, MD 21404-1527

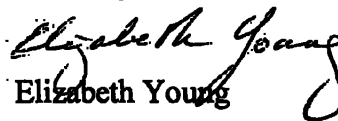
Paid for by: Andy Harris for Congress, Liz Young, Treasurer



2. If the Harris for Congress campaign is not permitted to dispose of excess recount funds in the manner described above, what other method or methods of disposal are permitted?

Please do not hesitate to contact me if you need further information.

Sincerely,

  
Elizabeth Young